

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

CRIM. NO. 99-295 (DRD)

Plaintiff,

vs.

MICHELLE RODRIGUEZ-MATOS (4)

Defendant

**SECOND MOTION REQUESTING CONTINUANCE OF SENTENCING HEARING
SINE DIE AND REQUEST FOR ADDENDUM TO PRE SENTENCE REPORT BY
DEFENDANT, MICHELLE RODRÍGUEZ-MATOS (4)**

BEFORE THE HONORABLE COURT:

Comes now defendant MICHELLE RODRIGUEZ-MATOS (4) through the undersigned counsel and respectfully sets forth and prays:

1. The sentencing hearing in the instant case is scheduled for **September 27th 2005 at 3:30 p.m.**
2. The Court issued an order dated **September 6th 2005**, docket #532, addressed to the Warden, William Willingham, FCI Danbury, 33 and One Half, Pemdorke, Danbury, Connecticut 06811 to provide Mr. Miguel Berríos, Probation Officer, a copy of defendant's complete file, to include work studies and all other adjustments made while in custody.
3. Mr. Miguel Berríos, Probation Officer informed counsel on **September 26th 2005** and

he informed counsel that he had just received a voluminous set of documents in excess of 500 pages and that it was not possible for him to incorporate the information to the Pre Sentence Report.

4. Mr. Berríos also informed counsel that he had not received medical documents, which is an important aspect of defendant's situation, since she has a serious medical condition regarding one of her kidneys.
5. Counsel requested from Mr. Berríos to summon the Warden for the medical documents pertaining to defendant in order to incorporate the information in the Pre Sentence Report.
6. It is thus necessary to request a continuance of the sentencing hearing *sine die* until the Probation Officer can review them and prepare an **ADDENDUM TO PRE SENTENCE REPORT** to assist the Court when imposing sentence to defendant as an individual pursuant to **U.S. vs. Booker, ___ US ___, 125 S. Ct. 738; 160 L Ed 2d 268 (2005)**.
7. This situation was brought to the attention of Mr. Antonio Bazán, Assistant United States Attorney who expressed that the government would not oppose this request for continuance until the Probation Officer has the opportunity to review all the documents, including those documents which pertain to the medical condition of the defendant.
8. Thus, after discussing the resentencing proceedings with the defendant, it is necessary to request that the court continue the hearing for re sentencing *sine die*

until such time as the ADDENDUM to the PRE SENTENCE REPORT is prepared by the Probation Officer, timely disclosed to counsel and the Court.

WHEREFORE, defendant, Michelle RODRÍGUEZ-MATOS prays that the Court grant her request to set aside *sine die* the sentencing hearing until the Probation Office produces the ADDENDUM TO THE PRE SENTENCE REPORT, timely disclosing it to counsel prior to the sentencing hearing.

Respectfully submitted. San Juan, Puerto Rico, September 27, 2005.

I certify: On this date, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all interested parties.

I further state that I have sent a copy of this document by other means to the **U.S. PROBATION OFFICE**, 150 Carlos Chardón Avenue, U.S. Federal Building Room #400, San Juan, Puerto Rico 00918; FAX 787-766-5945; and to Ms. **Michelle Rodríguez Matos**, #19156-069, Metropolitan Detention Center, P.O. Box 2147, San Juan, Puerto Rico 00922.

S/JOSE C. ROMO MATIENZO
JOSÉ C. ROMO MATIENZO
USPRDC 127810
504 Carlota Matienzo
San Juan, Puerto Rico 00918-3229
Tel. (787) 753-7600; Fax: (787) 765-8087
joseromo@prtc.net